

0410 #8

10-14-02 05:23pm From-McDERMOTT, WILL & EMERY

T-586 P.01 F-549



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FACSIMILE

Date: October 14, 2002 Time Sent: 007:45:52

TO:

Name	Company	Facsimile No.	Contact No.
Office of Initial Patent Examination	U.S. Patent Office	(703) 746-4060	23

FROM: Marc E. Brown Direct Phone: (310) 788-1569
E-Mail: meh@mwe.com
Sent By: Jessica Brown Direct Phone: (310) 284-6173
Client/Matter/Tkpr: 64706-013-6806 Originals Follow by Mail: No
Re: U.S. Patent Application Serial No. 10/036,966 Number of Pages, Including Cover: 17

MESSAGE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the above address by mail. Thank you.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
JESSICA BROWN AT (310) 284-6173 AS SOON AS POSSIBLE.**

Received from < > at 10/14/02 8:28:54 PM [Eastern Daylight Time]



Docket No.: 064706-0013

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

ADAIR, DAVE B., et al.

Serial No.: 10/036,966

Group Art Unit: 2121

Filed: December 20, 2001

Examiner: Not known

For: MOVE LOT SIZE BALANCING SYSTEM AND METHOD

CERTIFICATE OF FACSIMILE TRANSMISSION (37 C.F.R. § 1.6)

I hereby certify that this correspondence is being transmitted to the United States Postal Service by facsimile under 37 CFR 1.6 to facsimile number (703) 746-4060 (OIPE) on the date indicated below.

Date:

Oct. 14, 2002
JESSICA S. BROWN**RESPONSE TO REQUEST FOR SUBSTITUTE PAPERS**

Office of Initial Patent Examination
Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Request for Substitute Papers mailed October 1, 2002, submitted herewith are copies of following documents, originally mailed August 30, 2002, for filing in the above-referenced application. This response is being submitted by facsimile transmission as requested in the Request for Substitute Papers.

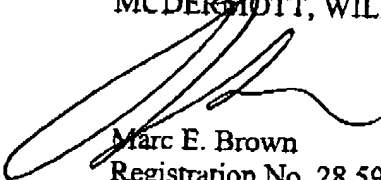
1. Response to Notice to File Missing Parts;
2. Notice to File Missing Parts, Part 2 - Copy to Be Returned With Response;
3. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63) duly signed by all inventors;

4. Petition for Five-Month Extension of Time to Respond to Notice to File Missing Parts.

5. Copy of Request for Substitute Papers.

It is requested that a corrected official filing receipt now be issued.

Respectfully,
MCDERMOTT, WILL & EMERY



Marc E. Brown
Registration No. 28,590

2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Facsimile: (310) 277-4730
Date: October 14, 2002



Docket No.: 064706-0013

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

ADAIR, DAVE B., et al.

Serial No.: 10/036,966

Group Art Unit: 2121

Filed: December 20, 2001

Examiner: Not known

For: MOVE LOT SIZE BALANCING SYSTEM AND METHOD

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8(a) in an envelope addressed to Box Missing Parts, Commissioner for Patents, Washington, DC 20231 on the date indicated below.

Date: August 30, 2002

Jessica S. Brown
JESSICA S. BROWN

**RESPONSE TO NOTICE TO FILE
MISSING PARTS OF NONPROVISIONAL APPLICATION**

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts of Application dated February 5, 2002, submitted herewith are the following documents for filing in the above-referenced application:

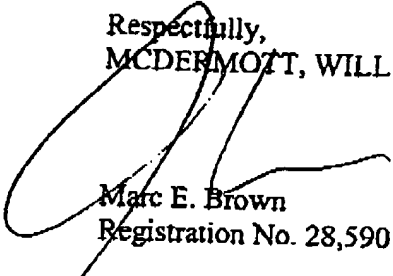
1. Notice to File Missing Parts, Part 2 - Copy to Be Returned With Response;
2. Declaration and Power of Attorney (which is in compliance with 37 CFR 1.63) duly signed by all inventors;
3. Petition for Five-Month Extension of Time to Respond to Notice to File Missing Parts.

The balance due by applicant is \$2,090 (\$1,960 for five-month extension of time to respond; and \$130 fee for late filing of oath). Please charge all fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account 501946 and please credit any excess fees to such deposit account.

It is requested that a corrected official filing receipt now be issued.

Respectfully,
McDERMOTT, WILL & EMERY



Marc E. Brown
Registration No. 28,590

2049 Century Park East, 34th Floor
Los Angeles, CA 90067
Telephone: (310) 277-4110
Facsimile: (310) 277-4730
Date: August 30, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/036,966	12/20/2001	Dave B. Adair	20577-16

Oppenheimer Wolff & Donnelly LLP
Suite 3800
2029 Century Park East
Los Angeles, CA 90067

CONFIRMATION NO. 4575

FORMALITIES LETTER



OC000000007425730

Date Mailed: 02/05/2002



NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

MW&E

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

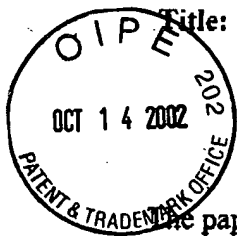
Application Number	Filing Date	First Named Applicant	Atty. Docket No.
10/036,966	12/20/2001	Adair, David	064706-0013

33401

McDERMOTT, WILL & EMERY (LOS ANGELES OFFICE)
2049 CENTURY PARK EAST
34TH FLOOR
LOS ANGELES CA 90067-3208

Title: Move lot size balancing system and method

Date Mailed:10/01/2002



Request for Substitute Papers

The papers filed on 09/09/02 (certificate of mailing dated 08/30/02) are no longer in condition to become part of the permanent records of the United States Patent and Trademark Office (USPTO) for this application (37 CFR 1.52(a)) due to the United States Postal Service sanitization process.

The USPTO requests that applicant provide a copy of the above-identified papers (except for any U.S. or foreign patent documents submitted with the above-identified papers) with a statement that such copy is a complete and accurate copy of the above-identified papers (signing and returning a copy of this notice will provide such a statement). The reply to this letter should be submitted to the USPTO by facsimile at the number indicated **703-746-4060(OIPE)**.

Alternatively, the reply to this letter may be hand-carried to the Customer Service Window located in Room 1B03 of Crystal Plaza Building 2, Arlington, Virginia, 22202.

The USPTO strongly prefers that the reply to this letter be submitted by facsimile. However, if applicant cannot submit the reply to this letter by facsimile (or hand-delivery), the reply may be mailed to: Box Duplicate OIPE, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202-2327.

This letter is not a notice under 37 CFR 1.251. However, failure to timely replay to this notice within **two (2) weeks** of the date of receipt of this letter may result in the USPTO issuing a notice under 37 CFR 1.251. A copy of this notice should be included with the reply.

The enclosed papers are a complete and accurate copy of the above-identified papers.

Name: _____ Registration No.: _____ Client/Matter No. _____

Signature: _____ Date: _____

Sent to Calendar _____
Signature _____ Date _____
Calendared **IKE** **10/7/02**
Signature _____ Date _____